

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
:
v. : Crim. No. 07-143 (SRC)
:
EMMANUEL JONES, :
a/k/a "Killer," : ORDER
a/k/a "Killer E," and
a/k/a "Emo" :

This matter having been opened to the Court on the application of the United States of America (Paul J. Fishman, United States Attorney for the District of New Jersey, by Melissa L. Jampol and Lisa M. Colone, Assistant United States Attorneys appearing) in the presence of defendant EMMANUEL JONES, a/k/a "Killer," a/k/a "Killer E," a/k/a "Emo" (David A. Ruhnke, Esq. and Paul Condon, Esq. appearing), for a determination under 18 U.S.C. § 4241 as to whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to understand the nature or consequence of the proceedings against him or to assist properly in his defense; and the Court having held a hearing on May 10, 2010 and considered materials submitted on this matter including: the submission of defense counsel, including counsel's May 7, 2010 letter, which indicates that counsel believes the defendant is presently competent; the submissions of the Government including the Government's May 7, 2010 brief; the report of William J. Ryan,

Ph.D. dated March 3, 2009 (Exhibit 11); the reports of Dr. John S. O'Brien, II, M.D., J.D. dated September 29, 2009 (Exhibit 2) and February 2, 2010 (Exhibit 3); the defendant's Essex County Jail Medical Records (Exhibit 4); and transcripts of the defendant's Essex County Jail telephone conversations (Exhibits 5, 6, 7, 8, 9 and 10); and for good and sufficient cause shown,

WHEREFORE, on this 17 day of May, 2010,

IT IS THE FINDING OF THIS COURT by a preponderance of the evidence that:

- I. The defendant is not presently suffering from a mental disease or defect that renders him mentally incompetent;
- II. The defendant is able to understand the nature and consequences of the proceedings against him;
- III. The defendant is able to assist properly in his defense should he choose to do so; and
- IV. The defendant is not manifesting symptoms of, nor suffering from, a psychiatric condition at the present time, ~~and during his interviews with the doctors assigned to determine his competence, he manifested significant symptoms that qualify him to be classified as a malingerer.~~

HONORABLE STANLEY R. CHESLER
United States District Judge